

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**WEDNESDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NO: 755 OF 2021

Between:

Shaik Bakhtiyar, S/o. Shaik Mahmood, aged about 22 years, occ. Student, R/o.
H.No. 19-3-263/C/2/A, Teegalkunta, Falaknama, Hyderabad.

...Petitioner/Accused

AND

1. The State of Telangana, through S.H.O., Falaknama Police Station, Hyderabad
District represented by its Public Prosecutor, High Court, Hyderabad.

...Respondent/Complainant

2. Ch. Srinivasa Rao, PC-2925, Falaknama Police Station, Hyderabad

...Respondents/Complainant

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to call for the records relating to the F.I.R.No. 253 of 2020 of Falaknama Police Station, Hyderabad, and quash the proceedings thereon.

I.A. NO: 2 OF 2021

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to grant stay of all further proceedings in FIR No. 253 of 2020 of Falaknama Police Station, Hyderabad, pending disposal of the Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Azeem Mustafa, Advocate for the Petitioner and the Assistant Public Prosecutor on behalf of the Respondents.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No. 755 OF 2021

ORDER:

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed seeking to quash the proceedings in Crime.No.253 of 2020 pending on the file of the Station House Officer, Falaknama Police Station, Hyderabad. The petitioner herein is accused in the said crime. The offence alleged against the petitioner is under Section 420 of IPC and 80(a) of Motor Vehicles Act, 1988.

2. Heard the learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondents. Perused the record.

3. The allegation against the petitioner herein is that he has used his vehicle i.e., one black colour Shrine Bike bearing registration No.TS-12-E-P-3208 without mentioning the number plate properly. There is no number plate at the back side and registration number is also not mentioned properly. Learned counsel for the petitioner by referring to the copy of the registration certificate would submit that petitioner is the owner of the said vehicle and contents of the complaint lacks ingredients of Section 420 IPC.

4. Considering the said aspects, this Criminal Petition is disposed of directing the Investigating Officer in Crime.No.253 of 2020, pending on the file of the Station

House Officer, Falaknama Police Station, Hyderabad, to follow the mandatory procedure contemplated under Section 41-A of Cr.P.C. and also the guidelines issued by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹. In the meanwhile, the Police are directed not to arrest the petitioner herein till completion of investigation and filing of final report. The petitioner shall cooperate with the Investigating Officer by furnishing information and documents as sought by him in concluding the investigation.

Miscellaneous Petitions, pending if any, shall stand closed.

1 (2014) 8 SCC 273

//TRUE COPY//

SD/- K. SAILESHI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Station House Officer, Falaknama Police Station, Hyderabad District.
 2. Two CCs to the Assistant Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
 3. One CC to Sri Azeem Mustafa, Advocate [OPUC]
 4. Two CD Copies
- MMK

7/14

HIGH COURT

KLJ

DATED:10/02/2021

ORDER

CRLP.No.755 of 2021



DISPOSING OF THE CRIMINAL PETITION

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22/2/20
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